

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

SPENCER GARDNER,

Plaintiff,

vs.

JIM SALMONSEN, et al.,

Defendants.

CV 21-17-GF-BMM-KLD

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered her Findings and Recommendations in this case on September 13, 2021 (Doc. 8). Judge DeSoto recommended that Plaintiff's complaint (Doc. 2) should be DISMISSED; that the Clerk of Court should be directed to enter a judgment of dismissal for failure to prosecute; and have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

No party has filed an objection to the Findings and Recommendations. The Court has reviewed Judge DeSoto's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge DeSoto's Findings and Recommendations and adopts them in full.

IT IS ORDERED that Judge DeSoto's Findings and Recommendations (Doc. 8) are **ADOPTED IN FULL**.

1. Gardner's Complaint (Doc. 2) is **DISMISSED**;
2. The Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure; and
3. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(4)(B) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 27th day of October, 2021.



Brian Morris, Chief District Judge
United States District Court